

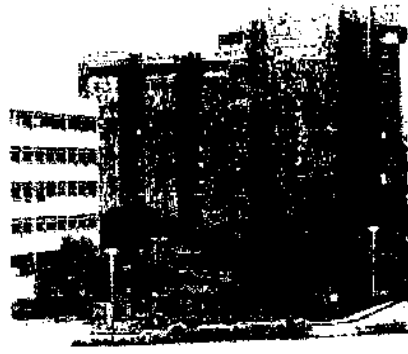


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## Galveston County

### Settlement will allow UTMB employees to reapply for jobs

4/20/2009 11:35 AM By John Suayan, Galveston Bureau



John Sealy Hospital, UTMB-Galveston

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**GALVESTON** - Around 3,000 employees terminated from the University of Texas Medical Branch in Galveston now have a chance to get their jobs back, according to the terms of settlement in a Galveston lawsuit.

The University of Texas Board of Regents and the Texas Faculty Association on Apr. 13 settled a wrongful termination lawsuit that alleged the UT System violated the Texas Open Meetings Act when its leaders discussed the possibility of mass layoffs at UTMB after Hurricane Ike.

The school must keep the approximately 3,000 workers dismissed in November 2008 on a "re-employment list" for 36 months from date of termination, court papers say.

In exchange for agreeing to close the suit, the regents also consented to the hiring of an outside arbitrator to hear disputes over rehiring.

The case was set for trial on Oct. 19.

The TFA, represented by Galveston attorney Joe Jaworski, filed the suit in Galveston County District Court on Dec. 2, calling the layoffs illegal.

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It sought to have Galveston County Judge Wayne Mallia, 405th District Court, reverse the defendants' decision and make public tape recordings and minutes of several meetings.

The plaintiffs argued the basis for the layoffs is unknown since system officials chose to meet in closed session while the defendants insisted the job cuts were in response to UTMB hemorrhaging \$40 million a month after Ike's Sept. 13 assault on Galveston Island.

Floodwaters took over approximately 750,000 square feet of the 120-year-old medical institution, inflicting an estimated \$710 million worth of damage.

A majority of the layoffs were at John Sealy Hospital.

Last month, the plaintiffs successfully convinced Judge Mallia not to honor the regents' change of venue request which would have moved litigation to either Austin or El Paso.

It was in El Paso that the defendants met privately on Nov. 12 to talk about the terminations.

On the legislative front, lawmakers talked the regents out of relocating the medical branch to the capital and into rebuilding the hurricane-ravaged campus.

The Galveston County Daily News reported in an Apr. 14 article that UTMB will post openings on its Web site as jobs return, and former employees have 20 business days from the posting date to apply.

Hiring will be based on qualifications in accordance to the settlement.

A laid-off worker who meets certain criteria can be rehired given no one else who is more qualified has applied.

Barry Burgdorf, UT System vice chancellor and general counsel, said in an Apr. 14 Houston Chronicle article that priority does not guarantee reinstatement for employment.

Case No. 08CV1195